

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out the subject matter that Applicant regards as the invention. The independent claims have been amended to claim a distribution unit that identifies a client as a content provider for previously downloaded data. The distribution unit is transmitted by an original content provider. No new matter has been added as a result of these amendments. As described at lines 2-4 on page 2, one of the problems to be solved by the claimed invention was to provide payment to, and protect the rights of, the original content provider.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(e)***

##### **Claims 1-47**

Claims 10-47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,868,403 to Wiser et al. Applicant does not admit that Wiser is prior art and reserves the right to challenge the reference at a later date. Claims 3, 5, 6, 13, 22, 23, 29, 32, 34, 35, 41 and 42 have been cancelled.

Wiser discloses a content distribution system in which content is initially encrypted using the public key of a content manager that stores the content for distribution. When the content is to be delivered, the content manager's public key is removed and the content is re-encrypted using the public key of the purchaser's media player.

In the amended independent claims, Applicant claims a distribution unit that identifies a client as a content provider for previously downloaded data. Wiser does not teach or suggest that a purchaser of content can become a content manager to further distribute the content.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1, 2, 4, 7-12, 14-21, 24-28, 30, 31, 33, 36-40, and 43-47 is not anticipated by Wiser under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

### New Claims

Applicant has added claims 48 and 50 to claim the subject matter of claims 1 and 30 in different terms. Applicant respectfully submits that claims 48 and 50 are patentable for at least the reasons set forth above for claims 1 and 30. Claim 51 depends from claim 50 and thus is also patentable.

### SUMMARY

Claims 1, 2, 4, 7-12, 14-21, 24-28, 30, 31, 33, 36-40, and 43-50 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

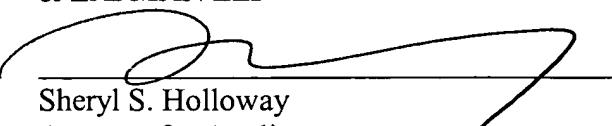
### Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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